

**IN THE CLAIMS:**

Please CANCEL claims 26-36 and 68-71 without prejudice or disclaimer, and AMEND claim 66 in accordance with the following:

1. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a record layer comprising a lead-in area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area and/or the lead-out area;

and

a temporary defect management area in at least one of the lead-in area and/or the lead-out area and which includes temporary defect information and temporary defect management information used by the recording and/or reproducing apparatus in performing defect management,

wherein the temporary defect management information includes an address of a last recorded unit of user data in the data area.

2. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a first record layer comprising a lead-in area, a data area, and a first outer area;

a second record layer comprising a second outer area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area, the first outer area, the second outer area, the lead out area, or combinations thereof;

a temporary defect management area in at least one of the lead-in area, the first outer area, the second outer area, the lead out area, or combinations thereof, and which includes temporary defect information and temporary defect management information, which includes at least one of an address of a last recorded unit of user data in the data area, write protection information of the recording medium, location information of a test area of the recording medium, or combinations thereof, used by the recording and/or reproducing apparatus in performing defect management.

3. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the

temporary defect management information further includes write protect information of the recording medium and/or location information of a test area of the recording medium.

4. (PREVIOUSLY PRESENTED) The recording medium of claim 3, wherein:  
the data is written to the data area in discrete recording operations, and  
the write protect information is recorded for each of the recording operations.

5. (PREVIOUSLY PRESENTED) The recording medium of claim 1, further comprising a drive & disc information area in at least one of the lead-in area and/or lead-out area and which includes information regarding locations of the temporary defect information and the temporary defect management information used by the recording and/or reproducing apparatus in performing defect management.

6. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the temporary defect information and the temporary defect management information are recorded in each recording operation in which data is recorded in the data area.

7. (PREVIOUSLY PRESENTED) The recording medium of claim 1, further comprising a plurality of at least one of the defect management area and/or the temporary defect management area.

8. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the address of the last recorded unit of the user data comprises a physical sector number of the last physical sector in the data area recorded with the user data.

9. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the temporary defect management information further includes an address of a last recorded unit of replacement data which was recorded in a spare area of the recording medium to replace a defective area of the recording medium.

10-13. (CANCELLED)

14. (PREVIOUSLY PRESENTED) A recording and/or reproducing apparatus for use with

a recording medium, the apparatus comprising:

a recording/reading unit that records and/or reads data with respect to the recording medium; and

a controller that controls the recording/reading unit to:

record information regarding a defect in a data area of the recording medium, as temporary defect information in a temporary defect management area of the recording medium; and

record management information for managing the temporary defect information as temporary defect management information in the temporary defect management area, the management information including an address of a last recorded unit of user data in the data area.

15. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the management information to further include write protect information of the recording medium and/or location information of a test area of the recording medium.

16. (ORIGINAL) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the data in the data area in discrete recording operations, and to record the temporary defect information and the temporary defect management information for each of the recording operations.

17. (ORIGINAL) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the data in the data area in discrete recording operations, and to record the temporary defect management information to include test location information and write protect information for each of the recording operations.

18-49. (CANCELLED)

50. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the recording medium is a write once disc.

51. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the

temporary defect management information further includes position information of a replacement area in a spare area of the recording medium to be next recorded.

52. (PREVIOUSLY PRESENTED) The recording medium of claim 51, wherein the position information of the replacement area comprises a physical sector number of a next usable spare cluster in the spare area.

53. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein a last recorded temporary defect information and a last recorded temporary defect management information, which are lastly recorded in the temporary defect management area are recorded in the defect management area for finalization of the recording medium.

54. (PREVIOUSLY PRESENTED) The recording medium of claim 2, wherein a last recorded temporary defect information and a last recorded temporary defect management information, which are lastly recorded in the temporary defect management area, are recorded in the defect management area, for finalization of the recording medium.

55. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a record layer comprising a lead-in area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area and/or the lead-out area;

and

a temporary defect management area in at least one of the lead-in area and/or the lead-out area and which includes temporary defect information and temporary defect management information including location information of a test area of the recording medium.

56. (PREVIOUSLY PRESENTED) The recording medium of claim 55, wherein a last recorded temporary defect information and temporary defect management information, which are lastly recorded in the temporary defect management area, are recorded in the defect management area for finalization of the recording medium.

57. (PREVIOUSLY PRESENTED) The recording medium of claim 55, wherein the test area is a testable area where recording conditions are tested.

58. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a record layer comprising a lead-in area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area and/or the lead-out area;

and

a temporary defect management area in at least one of the lead-in area and/or the lead-out area and which includes temporary defect information and temporary defect management information including write protection information of the recording medium.

59. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record information regarding locations of the temporary defect information and the temporary defect management information in a drive & disc information area of the recording medium.

60. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the address of the last recorded unit of user data comprises a physical sector number of the last physical sector in the data area recorded with the user data.

61. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the recording medium is a write once disc.

62. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the management information to further include an address of a last recorded unit of replacement data which was recorded in a spare area of the recording medium to replace a defective area of the recording medium.

63. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the management information to further include position information of a replacement area in a spare area of the recording medium to be next recorded.

64. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 63, wherein the position information of the replacement area comprises a physical sector number of a next usable spare cluster in the spare area

65. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record a last recorded temporary defect information and temporary defect management information, which are lastly recorded in the temporary defect management area, in a defect management area of the recording medium during finalization of the recording medium.

66. (CURRENTLY AMENDED) A ~~recording and/or reproducing~~ apparatus for use with a recording medium, the apparatus comprising:

a ~~recording/reading~~ unit that ~~records data on and/or reads data~~ with respect to the recording medium; and

a controller that controls the ~~recording/reading~~ unit to:

~~record-read~~ information regarding a defect in a data area of the recording medium, as temporary defect information in a temporary defect management area of the recording medium, and

~~record-read~~ management information for managing the temporary defect information as temporary defect management information in the temporary defect management area, the management information including ~~location information of a test area~~ an address of a last recorded unit of user data in the data area of the recording medium.

67. (PREVIOUSLY PRESENTED) A recording and/or reproducing apparatus for use with a recording medium, the apparatus comprising:

a recording/reading unit that records data on and/or reads data with respect to the recording medium; and

a controller that controls the recording/reading unit to:

record information regarding a defect in a data area of the recording medium, as temporary defect information in a temporary defect management area of the recording medium, and

record management information for managing the temporary defect information as temporary defect management information in the temporary defect management area, the

management information including write protection information of the recording medium.

68-71. (CANCELED)